

FACTSHEET

TITLE: **COMPREHENSIVE PLAN AMENDMENT NO. 94-45**, an amendment to the 1994 Lincoln/Lancaster County Comprehensive Plan, requested by the Director of Planning, to incorporate by reference the “**Greater Arnold Heights Area Neighborhood Plan**” and to amend the Lincoln Land Use Plan accordingly.

STAFF RECOMMENDATION: Approval, with revision to Figure 3.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 9/6/00
Administrative Action: 9/6/00

RECOMMENDATION: Approval of the staff's recommended Alternative Land Use Plan, with revision as submitted on 9/6/00 (7-1: Krieser, Newman, Hunter, Taylor, Schwinn, Carlson and Bayer voting 'yes'; Duvall voting 'no'; Steward absent).

FINDINGS OF FACT:

1. The Planning staff recommendation to approve this Comprehensive Plan Amendment is an alternative and is based upon the “Analysis” and “Conclusion” as set forth on p.2-5. Three alterations are recommended to the proposed “Future Land Use Plan” as proposed by the Steering Committee:

- ! A minor change to reflect an area in the southwest corner of the proposal at the edge of the View Point West preliminary plat as “Agricultural” instead of “Parks and Open Space.”
- ! The area east of N. W. 47th Street in Air Park should remain designated as Industrial rather than changed to a mix of Parks and Open Space, Commercial, Public/ Semi-Public and Industrial.
- ! The area to the southeast of the N. W. 48th and West Adams Street should remain designated as Industrial with any changes being covered by Comprehensive Plan Amendment #94-52 which is in process along with a change of zone and preliminary plat for that property.

The Steering Committee and the Lincoln Airport Authority worked out several compromises in the Neighborhood Plan over the past several months. The LAA agreed to the open space buffer along N. W. 48th Street and commercial use on the northeast corner of N. W. 48th and West Adams Street. However, the LAA continued to object to anything other than industrial uses in the remainder of the Air Park industrial area already zoned I-1 Industrial.

The principles and strategies of the Neighborhood Plan are in conformance and complementary to existing goals and strategies in the Comprehensive Plan and are appropriate for inclusion as a component of the Comprehensive Plan.

2. The existing Land Use Plan is shown on Figure 1, p.14; the Steering Committee Proposed Land Use Plan is found on p.15; the Alternative Land Use Plan recommended by the staff is found on p.16; and the revised Alternative Land Use Plan recommended by the staff on 9/6/00 is found on p.17.
3. The testimony on behalf of the Greater Arnold Heights Area Planning Steering Committee is found on p.8-9. Testimony in support is found on p.9.

4. Testimony in opposition by representatives of the Lincoln Airport Authority is found on p.9-10. The letter from John Wood dated March 17, 2000, which is referred to in the testimony, is found on p.19-21. The Airport Authority is opposed to this plan because the development and use of property owned by the Airport Authority should be left to the elected officials charged with control of its development. The LAA contends that they were not adequately involved in the planning process; however, the consultant's representative testified that the Lincoln Airport Authority was on the Steering Committee's mailing list for times and locations of meeting dates.
5. The Planning staff submitted a proposed revision to Figure 3, which is the staff alternative recommendation for the Land Use Plan. The southeast corner of West Adams and N.W. 48th is not owned by LAA. The revised Figure 3 is attached (p.17).
6. The staff submitted that the staff's recommended alternative addresses the concerns of the Lincoln Airport Authority, except a) Showing N.W. 47th to 48th as an open space buffer, and b) showing the western portion of the northeast corner of N.W. 48th and West Adams nearest the residential as commercial, with the remainder as industrial. The Airport Authority desires that the entire area be shown as industrial.
7. On September 6, 2000, the Planning Commission voted 7-1 to recommend approval of the staff alternative, as revised on 9/6/00 (Duvall dissenting).
8. This Comprehensive Plan Amendment will also be reviewed and acted upon by the Lancaster County Board of Commissioners.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 11, 2000

REVIEWED BY: _____

DATE: September 11, 2000

REFERENCE NUMBER: FS\CC\FSCPA94-45

W444444444444444444444444444444444444U

DATE: August 29, 2000

GENERAL INFORMATION:

ANALYSIS:

1. In May 1998 the Lincoln Housing Authority (LHA) hired Hanna Keelan Associates to prepare a neighborhood plan. The project's focus was on the neighborhood of Arnold Heights, Olympic Heights, and Oak Hills to the west of N. W. 48th Street. The consultant has worked with a Planning Steering Committee made up of representatives of residents, business owners, property owners and human service agencies serving the area. In late 1999 the draft plan was completed and was submitted to the Planning Department in January 2000.
2. Staff from the Lincoln Airport Authority (LAA) noted some concerns with the initial draft. Over the next several months members of the Steering Committee and staff from the LAA, LHA and the Planning Department met and discussed revisions to the proposed plan. A final version has been recommended for approval by the Planning Steering Committee and was submitted on August 10, 2000.
3. While funded by the Housing Authority, the Greater Arnold Heights Area Neighborhood Plan (GAHANP) states that its "contents do not necessarily represent the opinions or endorsement by the Lincoln Housing Authority."

4. The Neighborhood Plan proposes many specific projects or actions that could be done to improve the Arnold Heights neighborhood area. The GAHANP states that this plan can be used as follows:

“... as a tool to influence change, all in an effort to improve the quality of life in Greater Arnold Heights... this neighborhood plan provides a five year guide for the preservation and development of the Greater Arnold Heights Area.”

5. Section III of the Neighborhood Plan provides “neighborhood direction” for the area. Input on the recommendations included use of the results of 1,600 surveys which were sent out and the 210 responses received. This section provides goals for the area such as

- C “Strive to improve the quality of life and sense of neighborhood,”
- C “Foster the value of family,”
- C Increase the area population,
- C Provide a variety of housing types,
- C “Expand shopping and employment opportunities,”
- C Improve the physical appearance,
- C Implement the future land use plan, and
- C Foster partnerships.

6. In summary, some of the significant recommendations from Section IV of the Neighborhood Plan include:

- ! Relocation of the Arnold Heights branch library to near the existing LHA Family Resource Center;
- ! Additional areas for multi-family housing;
- ! Expansion of the existing commercial area on the southwest corner of N. W. 48th and West Adams and a new commercial area on the northeast corner;
- ! Encouraging pedestrian orientation to commercial areas and “development techniques of new urbanism and sustainable communities should be implemented in the design of this new commercial urban center.”
- ! Beautification efforts and trail development along N. W. 48th Street as it is widened to four lanes in the future;
- ! Retention of the current LAA maintained green space between N. W. 47th and 48th Street as buffer between the Airpark industrial area and residential neighborhoods to the west;
- ! Improvements to entryways into the neighborhood;
- ! Encouraging action to “continue to explore all opportunities to develop a middle school to serve” children in the area and other neighborhoods in Lincoln;

Proposed Future Land Use Plan

7. Some of the proposed changes in land uses would be in conflict with the existing zoning in this area. For example, to the west of the existing stores at N. W. 48th and West Adams the Neighborhood Plan designates an area now zoned R-3 Residential for future commercial use. Most of this land is vacant, however, the future commercial land use also covers several houses and a church that have recently developed along West Adams Street. The homes and church should be buffered from any new commercial development to the south. In addition, an existing tree mass and drainage way should be retained if the commercial area is expanded.

8. The proposal by the Steering Committee included several land use categories that did not exactly match the Comprehensive Plan's Land Use Plan categories, for example the Neighborhood Plan designates agricultural land as "vacant" and Residential Urban is labeled as "Residential- Single Family." The proposal has been modified altered to reflect the Comprehensive Plan's land use categories. (See Figure 2 for Land Use Plan as proposed by the Steering Committee, with the revisions to the categories.)

Air Park Changes

9. There are three significant changes in Air Park on land owned by the Airport Authority proposed in "Future Land Use Plan" of the Neighborhood Plan.
- 1st Change from "Industrial" to "Parks and Open Space" to reflect the existing open space buffer between N. W. 48th and N. W. 47th;
 - 2nd Change from "Industrial" to "Parks and Open Space" and "Public Semi-Public" to reflect the existing recreation center and public uses; and
 - 3rd Change from "Industrial" to "Commercial" on the northeast corner of N. W. 48th and West Adams Street.
10. In regards to the first change, the LAA supports the proposed open space designation between N. W. 48th and N. W 47th Street. This designation covers the existing open space planted and maintained by the LAA which serves as part of an over 400 foot wide (including the right-of-way of N. W. 48th Street) buffer between the Arnold Heights residences and the Air Park industrial areas.
11. The second change is in regards to the "Parks and Open Space" designation on the City's recreation center and the "Public/Semi-Public" designations on property currently in use by public agencies. However, this property is owned by the LAA and is zoned for industrial use. If the current parks or public uses were to be relocated, this land could be used for industrial uses and should be shown as such in the Land Use Plan. The LAA objects to these properties being designated as anything other industrial. (See Figure 3 for "Alternative Land Use Plan.")
12. The third change is to designate the northeast corner of N. W. 48th Street and West Adams Street appears to be acceptable to the LAA. Written comments on the revised draft have not yet been received from the LAA.
13. Another potential change was subject to discussion between the LAA and the Steering Committee. Initially, the Steering Committee proposed a Commercial designation instead of the existing industrial for the land between N. W. 47th and N. W. 46th Street in the Air Park industrial area. This area is zoned I-1 Industrial currently.
14. The LAA and Steering Committee arrived at a compromise in which the area zoned I-1 would remain designated as industrial with the following recommendation in the Neighborhood Plan on page 4.7:
- "...it is highly recommended that 'light industrial', office and commercial uses locate along the western edge of the industrial park, between NW 47th and NW 46th Street."

15. In February 2000, the Lincoln-Lancaster County Health Department (LLCHD) recommended the commercial designation between N. W. 47th and N. W. 46th Street. Their report of August 21st reiterates:

“While a ‘buffer’ zone does exist, in the form of parks/recreation area, between the residential and industrial zoned areas, it is vital to ensure that new industries or companies that produce, store, and/or emit hazardous chemicals are not allowed to located adjacent to this “buffer zone.... Therefore, LLCHD has serious concerns regarding industrial zoning in close proximity to residential zoning and suggest a zoning change in the blocks of industrial land adjacent to the aforementioned ‘buffer zone to commercial or business zoning.”

16. The LLCHD also is concerned about “residential development in floodplains or areas prone to flooding. None of the residential land is in the 100 year floodplain. Drainage ways have been designated as “Natural/ Environmentally Sensitive” or “Wetlands & Water Bodies.”

Financing

17. The Neighborhood Plan encourages many actions that may not be proposed in City, LAA, or Lincoln Public Schools budget at this time. All of the Neighborhood Plan’s recommendations must be evaluated when agencies prepare their budget and/or Capital Improvement Programs. Due to limited resources, various programs and improvements often compete for funding.
18. The Neighborhood Plan goals and recommendations are in conformance with following goals of the Comprehensive Plan which state:
- ! "Discourage strip development and spot zoning and encourage more compact and higher quality retail and commercial development"
 - ! "Encourage growth in the existing urban area to make the most efficient use of the existing infrastructure..."
 - ! "Maintain and encourage retail establishment and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods."
 - ! "Preserve the character of rural and urban neighborhoods through maintenance of existing housing stock and encouragement of compatible design in new housing."
19. Comprehensive Plan Amendment #94-52 is in process for the industrial area southeast of N. W. 48th and West Adams Street. A preliminary plat and change of zone from I-2 Industrial Park to commercial and residential uses is in process. The Neighborhood Plan changes the existing Industrial land use designation to agricultural. The industrial land use designation should remain and permit CPA #94-52 to cover any change to the land use plan for this area.
20. The proposed land use plan also includes one error in regards to the approved View Pointe West preliminary plat. The Neighborhood Plan correctly identifies that drainage ways were to approved as open space. However, it incorrectly identifies two outlots that were reserved for future development as “Parks and Open Space.” These two outlots can’t be provided with water service at this time and should remain designated as “Agricultural” in the Plan.

CONCLUSION:

The "Greater Arnold Heights Area Neighborhood Plan" has been developed with input from representatives of residents, business owners, property owners and human service agencies serving the area. It contains actions and principles to guide future public and private actions in this corridor. It also contains recommendations for land use actions for the area.

The plan should act as a guide to public and private development actions. The actual design or uses of land may vary, as long as projects follow the basic principles proposed for the Neighborhood Plan.

Three alterations are recommended to the proposed "Future Land Use Plan" as proposed by the Steering Committee:

- ! A minor change to reflect an area in the southwest corner of the proposal at the edge of the View Point West preliminary plat as "Agricultural" instead of "Parks and Open Space."
- ! The area east of N. W. 47th Street in Air Park should remain designated as Industrial rather than changed to a mix of Parks and Open Space, Commercial, Public/ Semi-Public and Industrial.
- ! The area to the southeast of the N. W. 48th and West Adams Street should remain designated as Industrial with any changes being covered by Comprehensive Plan Amendment #94-52 which is in process along with a change of zone and preliminary plat for that property.

The Steering Committee and the Lincoln Airport Authority worked out several compromises in the Neighborhood Plan over the past several months. The LAA agreed to the open space buffer along N. W. 48th Street and commercial use on the northeast corner of N. W. 48th and West Adams Street. However, the LAA continued to object the anything other than industrial uses in the remainder of the Air Park industrial area already zoned I-1 Industrial.

The principles and strategies of the Neighborhood Plan are in conformance and complimentary to existing goals and strategies in the Comprehensive Plan and are appropriate for inclusion as a component of the Comprehensive Plan.

STAFF RECOMMENDATION: Approval of the following:

1. Amend the Appendix A, Part I, "Approved Subarea Plans" to state the following:

"The following list and accompanying land use maps recognize those documents which have been approved as official subarea plans. These subarea plans are officially approved documents intended to add detail to this Comprehensive Plan and to guide public and private programs and actions in specific geographic regions."

Add the following to the list of approved subarea plans.

#. The Greater Arnold Heights Area Neighborhood Plan -- approved by the City Council Resolution No. A- on , 2000.

2. Amend Figure 16, "Lincoln's Land Use Plan", page 39, to reflect the land uses as shown on Exhibit 3, " Alternative Land Use Plan" except that the Multi-family which will be displayed as Urban Residential.
3. Amend the Greater Arnold Heights Neighborhood Plan as follows:
 - a. Page 4.2, to reflect the land uses as shown on Exhibit 3, "Planning Department Alternative Land Use Plan."

Prepared by:

Stephen Henrichsen, AICP
Planning Department

COMPREHENSIVE PLAN AMENDMENT NO. 94-45

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 6, 2000

Members present: Krieser, Newman, Hunter, Duvall, Taylor, Schwinn, Carlson and Bayer; Steward absent.

Planning staff recommendation: Approval, with amendment to the Land Use Plan.

Proponents

1. Lonnie Dickson of Hanna-Keelan, the planning research firm retained to assist the neighborhood group and devise the neighborhood plan, made the presentation. Development of this plan was a broad based citizen participation process, including the Oak Hills and Arnold Heights neighborhood associations and subdivisions throughout the Greater Arnold Heights Area. Dickson discussed and explained the four different components as set forth in the plan: Introduction, Description & Analysis, Neighborhood Direction and Recommendations.

One of the components was identification of population. The primary study area had a population in 1999 of 4,663, and over the next 5 years to 2004, we are seeing and projecting that the population will increase by an additional 579 persons.

Another issue in terms of consensus was the age group sections. The most emphasis was the high numbers of school age children. They also looked at existing land uses in the developed neighborhoods in Arnold Heights. The overriding predominance of land use types is vacant agricultural areas with concentration of neighborhoods as well as Airpark and Industrial Park. The study also identifies that the needs, wants and desires were to develop a future land use plan which corresponded to the goals and objectives of increasing the likelihood of creating retail establishments to fully serve the community.

Through this process, the conclusion was reached that there are developers who want to continue to develop in the Greater Arnold Heights area. By building the critical mass and encouraging additional residential development, there will be more opportunity for additional retail/commercial uses for neighborhood service centers.

Hunter noted that the Health Department refers to concerns about potential industry located around the area. They mention that the potential for chemicals that would be located in close proximity to residential area is a concern. Dickson responded, stating that currently, the existing zoning in Air Park Industrial Park is I-1 with quasi-public uses, i.e. church and correctional facilities. They did show businesses that had more commercial slant as opposed to industrial, but looking at the existing uses in the I-1, it was acknowledged that commercial and industrial are collocated in I-1. The neighborhood was advised to work through a collocation process with Airport Authority in terms of reidentifying some of those areas. Through that negotiation process it was the desire of the neighborhood to allow the strip between N.W. 48th and 47th to remain as a public open space corridor to lessen the impact of adjacent industrial areas upon single family areas, and that is what Health picked up on. The plan tries

to encourage that what is there today remain. In the original land use plan they identified an additional block face between 47th and 46th as commercial, but through consensus building, it was agreed to scale it back to allow the 46th and 47th block strip to show industrial uses. The plan still encourages that low density commercial type uses and industrial be located against that buffer strip to further lessen the impact.

2. Beverly Fleming, appeared on behalf of the **Lincoln Housing Authority**, in support. The Lincoln Housing Authority (LHA) financed this project because several years ago LHA was constantly approached by neighborhood people about issues they did not feel they could do anything about. LHA is one of the major property owners in this area but the issues were lack of grocery stores, the school situation, and lack of activities for children and teenagers. LHA came to the conclusion that there was a need for some other kind of planning study and that is why LHA has proposed to finance the project. LHA is pleased with the document presented as it addresses many of the concerns and issues that have been brought to the attention of LHA. LHA is very pleased with the recommendations and the guidance of this document.

3. Jeff Schwebke, of the Arnold Heights Neighborhood Association and member of the Steering Committee, testified in support. He extended appreciation to LHA for their guidance and assistance. He is hoping to continue to see development in the neighborhood and see continued growth towards the services they need.

4. Terry Schwimmer, resident of Arnold Heights and served on the Steering committee, testified in support. This is a great area that is underserved and he supports the plan.

Opposition

1. Mike Johnson attorney for Lincoln Airport Authority, testified in opposition. A large part of this plan deals with Lincoln Airport Authority property. This land was the old air base that was conveyed by the US Government to the City, with the care, custody and control transferred to Lincoln Airport Authority (LAA) with covenants by the Federal government that the LAA use this property to support and operate the airport.

Johnson noted that the consultant stated that there was consensus. There is not consensus on this item. The plan recommends restriction of the development of this property in numerous ways that they disagree with. The whole concept of development of this property is charged to the care and control of the 5-member board of LAA. Development proposals have come to this board and the board has made their decisions on how the land is to be used. It is in their control and jurisdiction and development is the decision of LAA.

Johnson and LAA recognize that Arnold Heights has needs and the airport wants to be a good neighbor; however, LAA represents the entire community. The object of an elected person is to represent the constituent, which is the entire community in this situation. The plan restricts development to commercial, parks and green space, with other areas that are being used for recreational development now. The recreation facilities are leased by the city on a year-to-year lease. Whether the city will continue in that vein they do not know from year to year. If the city discontinues their efforts, the LAA would not continue that effort either. At this point, the final draft of the report that

is being reviewed by the Commission has never been submitted to LAA until they read the agenda last Friday. They received the document on Tuesday. They do not agree with the language. The development and use should be left to the elected officials charged with control of its development.

Newman asked whether any of the LAA board members live in Arnold Heights. Johnson stated that, no, they do not.

Carlson referred to a letter from Mr. Wood of the LAA dated 3/17/2000 which refers to the draft document. Johnson agreed that LAA saw the first and second draft, but they have not seen the final draft. They did meet about the first draft. The concerns stated in Mr. Wood's letter about the second draft have not been resolved.

Carlson asked whether Johnson was aware of the Planning staff alternative. Johnson was not aware of the staff's alternative. Johnson has read the staff report, but he did not know about the alternative. Carlson wonders if those deviations by staff address the LAA needs. Johnson stated that they do not solve their problem.

Johnson confirmed that no one from the airport served or was invited to serve on the Steering Committee. LAA did not participate in the drafting of the document.

2. John Wood, Executive Director of Lincoln Airport Authority, testified in opposition. He acknowledged that he did express concerns back in March, subsequently had a meeting at the airport sometime this summer, and then he understands this plan came out in August. The LAA did not get this document and their concerns are still contained in the report.

Wood also confirmed that the LAA was never invited to sit on the Steering Committee.

Carlson asked staff to address the LAA concerns. Steve Henrichsen of the Planning Department believes that the staff alternative addresses the concerns of the LAA. He believes that most of the LAA concerns were resolved through changes in the text of the subarea plan; however, there are two items which have not been addressed. The alternative recommended by the Planning Department provides that the area east of N.W. 48th be shown as industrial except for that area which is currently the open space buffer between N.W. 47th and N.W. 48th. The Steering Committee proposed that some of the existing uses—rec center—remain in the future land use plan shown as parks and recreation or public. The Staff alternative would show all of that area as industrial.

Another item unresolved by the Steering Committee proposal involves continuing to show N.W. 47th to 48th as an open space buffer, with LAA signage and formal planting of trees. The second area of disagreement is the northeast corner of N.W. 48th and West Adams. It is owned by the LAA and is today vacant. To the north is the grid pattern established for the former base. The Steering Committee recommends that the western portion nearest the residential be shown as commercial, and the rest as industrial. LAA would like the entire area shown as industrial, as well as everything in the staff recommendation shown as open space be shown as industrial.

Henrichsen pointed out that this is a subarea plan. This is not an amendment to the zoning map. East of N.W. 48th is zoned I-1 today and owned by LAA. They have the right to do the industrial uses and

are not necessarily restricted by the city. The LAA is not bound by the Comprehensive Plan as it is a guide, and is not bound by the zoning ordinance.

Rick Peo, Law Department, clarified that other governmental bodies are not subject to the city's zoning jurisdiction to the extent they have eminent domain powers to do certain functions. LAA has authority to build airports. He is not certain what their authority is with other uses outside their function.

Peo also clarified that the Comprehensive Plan is a general guide and is not binding. The zoning would not be changed by this action.

Henrichsen pointed out that there is an error in Figure 3. The southeast corner of West Adams and N.W. 48th is zoned I-2 and is owned by the Chamber of Commerce or an industrial corporation and is in the process of sale and replat for commercial and residential uses. Therefore, the staff amends Figure 3 so that the area in the southeast corner would continue to be shown as industrial as shown in the Comprehensive Plan today. This property is not owned by the LAA.

Bayer suggested that the appropriate motion would be approval of staff recommendation, as amended. Or the Commission could amend the text of the subarea plan.

Hunter does not understand how the Commission can adopt a plan on property that belongs to LAA. Henrichsen pointed out that there is also property owned by the City; Lincoln Public Schools, etc. The Comprehensive Plan has land use designations for federally and state owned property as well. The Comprehensive Plan provides a guide for the entire community no matter who owns the property.

Response by the Applicant

Dickson did not object to the Planning Department alternative as shown on Figure 3. Figure 3 still represents the desires of the neighborhood as well as the Steering Committee. In trying to come to a consensus with LAA, Dickson submitted that Figure 3 does represent as much of a consensus as they can come to. The commercial area on the northeast corner of N.W. 48th and Adams represents an opportunity to instill commercial and retail development in a centralized fashion within the Greater Arnold Heights Neighborhood that will help to further spur development. Dickson acknowledged that I-1 does allow commercial as well as industrial uses. They also believe that the open space strip between 47th and 48th can help to maintain existing buffering mechanisms that are in place and encourage them to be built upon.

With regard to cooperation with LAA, Dickson would not describe it as a problem, except for the wants and desires of the neighborhoods and residents compared to the operational mechanism of LAA. Dickson believes that they tried to come to consensus and to address the LAA's concerns and he believes the majority of their concerns have been met. Representatives of LAA were acknowledged as part of the committee process and attended at least one of those meetings. Their presence was acknowledged and there were exchanges throughout the process.

Hunter is concerned because it appears that LAA believes they were left out of the loop versus having exchanges throughout the process. Hunter believes all concerned parties need to be involved in every step. The LAA didn't seem to feel like they were included. Dickson recalled that LAA was on the

mailing list receiving times and locations of meeting dates throughout the process. He believes the Steering Committee did make special considerations to meet with them to come to consensus after draft 1 and draft 2.

Hunter wondered about deferral to provide an opportunity for further resolution with the LAA. Dickson believes they have tried to come to a consensus but there are two stumbling blocks. The residents of the neighborhood want to instill their goal of a buffering mechanism between industrial and low density residential areas.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

September 6, 2000

Taylor moved to approve the Planning staff recommendation, with amendment to Figure 3 as submitted by staff today, second by Newman.

Duvall will not vote in favor. We have a very large public body (LAA) that has not been included in the process.

Carlson believes the staff alternative recommendation is a pretty good attempt at compromise, which ends up with two items of disagreement—the corner of commercial and the buffer strip. In that sense, if the Comprehensive Plan is a guide, then he does not believe we are imposing any undue restrictions on the property.

Newman commented that the Comprehensive Plan is not set in stone and what happens will happen. She does not see any problem approving this.

Hunter believes that approving this adds detail to the Comprehensive Plan. She knows how much the Commission has tried to respect the Comprehensive Plan but she has a conflict in adding this kind of detail. Rick Peo of Law Department advised that if the LAA comes forward to build anything, only the zoning district map would be considered. The Comprehensive Plan would come into effect if a change of zone is requested. This does not affect existing use of the property under its present zoning. It raises the possibility that someone might ask for the change of zone, but the city is precluded from doing that against the property owner's wishes. This action only shows what everyone thinks should be the future of this area and does not affect existing or potential uses today. For example, you cannot require a property owner to create a park.

Motion for approval of the staff recommendation, as amended, carried 7-1: Krieser, Newman, Hunter, Taylor, Schwinn, Carlson and Bayer voting 'yes'; Duvall voting 'no'; Steward absent.